IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 35951 of 1997

Between:

Divisional Manager, APSRTC.,
Kakinada, East Godavari District.

..... PETITIONER

AND

1 State Transport Appellate Tribunal, Rep.by its Presiding Officer.
A.P., Hyderabad
2 Regional Transport Authority, Rep.by its Secretary.
East Godavari, at Kakinada,
3 M.Gopalakrishna S/o Varahalu
Rajahmundry, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of certiorari, calling for the records relating to impugned order dt.4-8-1997 made in A.P.No.61/95 State Transport Appellate Tribunal, A.P., Hyderabad setting aside the order dt.28-2-94 in item No.5 in R.No.19196/A1/94 and directing issue of permit to 3rd respondent on the socalled town service route, A.P.P.Mills to Dwarapudi Market and quash the impugned order as being/illegal without jurisdiction and invalid.

Counsel for the Petitioner: MR.K.HARINATH

Counsel for the Respondent Nos. 1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3: None appeared

The Court made the following ORDER:

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ORDER:-

Heard both the learned counsel. This writ petition is filed aggrieved by the order of the State Transport Appellate Tribunal, A.P., Hyderabad setting aside the order of the Regional Transport Authority, Kakinada, East Godavari directing issue of permit to third respondent on the route applied for.

Case of the petitioner is that third respondent made an application to second respondent for grant of a pucca stage carriage permit on the
so-called town service route in question and the second respondent rejected the said application. Against the said order, third respondent preferred appeal before first respondent, which was allowed. Further, the case of the petitioner is that the proposed route overlaps the notified route which is approved in G.O.Ms.No.761/75 dated 3-6-1975.

Having considered the submissions made on either side and on perusal of the material on record and in view of the principles laid down by a Full Bench of this Court in **A.P.S.R.T.C. v. State Transport Appellate Tribunal and others ,** such plea is not permissible. According, this writ petition is dismissed. No costs.

Stv/- 3—11—2004.

To

1 The Presiding Officer, State Transport Appellate Tribunal,
A.P., Hyderabad
2 The Secretary, Regional Transport Authority,
East Godavari, at Kakinada,

3 Two CCs to G.P for Transport, High Court of A.P. Buildings, Hyderabad (OUT)

4 Two CD Copies